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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert A. Koch

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AT&T Legal Department - SZ

Attn: Patent Docketing

Room 2A-207

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EXAMINER

DESIR, PIERRE LOUIS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

11/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/717,892	Applicant(s) KOCH ET AL.	
	Examiner PIERRE-LOUIS DESIR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. In view of the Appeal Brief filed on 08/21/2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 3 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 13 recite the limitation "the separate native transport network" in line 2 of the claims. There is insufficient antecedent basis for this limitation in the claim.

Note: for the process of examination, "the separate native transport network" will be interpreted as "the native transport network."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-8, 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffiths, US 20020186827 A1.

Regarding claims 1, Griffiths discloses a system and method for monitoring communications usage, comprising receiving a call routed from a dialed number in a native transport network to a virtual telephone number in a service-providing network, the call routed from a native transport network to a virtual telephone number in the service providing network, the native transport network having limited or no capability of providing advanced telephony service (i.e., when a caller using telephone 131 places a call to a subscriber using a cellular

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phone 220, and SSP sends an Advanced Intelligent Network (AIN) query to SCP via an SS7 network (see paragraph 53). In paragraphs 113-114, it is disclosed that an AIN query begins with a TCAP query message that is sent via a TM subsystem within the SSP to the SCP by way of an STP and the SS7 control network. The STP receives the TCAP query message, and then translates the subscriber's address to determine the correct SCP address (i.e., virtual telephone number) and the appropriate service package application for processing the AIN service request (paragraphs 113-114). Thus, a call from a dialed number is routed to a virtual telephone number in a service-providing network, wherein the native network, i.e., the network where the call came from cannot provide the AIN service); providing the advanced telephony service to the call, wherein the virtual telephone number utilizes the intelligent services provided by the service-providing network (i.e., the SCP creates a routing key from the TCAP message and passes the routing key information along to the CAS SPA, which uses the routing key to identify the subscriber of the call administration service) (see paragraph 114); routing said call from the service-providing network to a terminating network destination (i.e., routing the incoming call to the subscriber voice mail subsystem (see paragraph 21. Also refer to paragraph 125); and monitoring a duration of said call traversing the service-providing network (i.e., duration of each telephone call made) (see paragraph 70).

Regarding claims 2 and 12, Griffiths disclose a system and method (see claims 1 and 11) further comprising monitoring a status of said call (i.e., monitoring for billing) (see paragraph 70).

Regarding claims 3 and 13, Griffiths disclose a system and method (see claims 1 and 11 rejection) further comprising routing said call to an original destination via the native transport

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network (i.e., routing an incoming call may terminate the incoming call to the subscriber (i.e., original destination)) (see paragraph 21).

Regarding claims 5 and 17, Griffiths discloses a system and method (see claims 1 and 11 rejections) wherein said service-providing network is a network selected from the group consisting of a wireline network, a wireless network, and a packet-switching network (see paragraphs 53, 107-108).

Regarding claims 6 and 14, Griffiths discloses a system and method (see claims 1 and 11 rejections) further operative to associate the virtual telephone number to another telephone number existing in the native transport network (i.e., translates the subscriber's address to determine the correct SCP's address) (see paragraph 114).

Regarding claims 7 and 15, Griffiths discloses a system and method (see claims 1 and 11 rejections) further comprising associating the virtual telephone number (i.e., SCP address) to another telephone number/packet voice-based telephone number (i.e., phone number or device's network address) existing in the native transport network (see paragraphs 97 and 114).

Regarding claim 8, Griffiths discloses a method (see claims 1 and 11 rejections) wherein said native transport network is a network selected from the group consisting of a wireline network, and a packet-switching network (see paragraphs 53, 107-108).

Regarding claim 10, Griffiths discloses a method (see claim 1 rejection) further comprising billing a subscriber based on said duration of said call (see paragraph 70).

Regarding claim 16, Griffiths discloses a system (see claim 11 rejection) wherein said service-providing network comprises an advanced Intelligent network (i.e., AIN) (see paragraph 114).

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Regarding claims 18-19, Griffiths discloses a system (see claim 11 rejection) wherein the service-providing network modifies messages accompanying the call so that the call is not routed back to the service providing network in an endless loop, and wherein the service providing network modifies caller information associated with call (i.e., the STP receives the TCAP query message, and then translates the subscriber' address to determine the correct SCP address. The STP reformulates and forwards the TCAP message to the appropriate SCP, wherein the SCP creates a routing key from the TCAP message and passes the routing key information along to the CAS SPA, wherein the CAS SPA uses the routing key to identify the subscriber of the call administration service (paragraph 114). The call is not routed back to the service-providing network in an endless loop because the call is properly routed/forwarded using the routing key information).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths in view of Dent (previously cited) (US Patent Application Publication Number 2003/0050100).

Griffiths discloses a method as described above (see claim 1 rejection).

Although Griffiths discloses a method as described, Griffiths does not specifically disclose billing a telecommunication subscriber of a native transport network for the monitoring.

However, Dent discloses a method including monitoring a duration of a call (steps 206-212 - Figure 4) for billing purposes (step 214 - Figure 4); see paragraph 0027. "Apart from the economic benefits, communication quality benefits from the ability to access a larger number of antenna sites 12 allowing more frequent use of transmit and receive diversity to improve communications" - paragraph 0028. Another advantage is providing for better accuracy of billing

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since the call is monitored and timed.

In addition, Dent discloses billing a telecommunications provider of a native transport network for said monitoring; see paragraph 0016, especially last sentence, paragraph 0027, especially last three sentences, and paragraph 0026, especially last two sentences. Dent's method has several advantages such as cross-bill (paragraph 0026, last two sentences), and enhanced roaming services (paragraph 0006).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Griffiths for billing a telecommunications provider of a native transport network for said monitoring for the advantage of cross-billing and allowing enhanced roaming services.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PIERRE-LOUIS DESIR/
Examiner, Art Unit 2617